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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,941	09/21/2000	Sung Bae Jun	P-124	8915

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SIDLEY AUSTIN BROWN & WOOD LLP
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SUITE 2000
SAN FRANCISCO, CA 94104-1715

EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/665,941	Applicant(s) JUN ET AL.	
	Examiner Michael W. Hoyer	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicants' arguments, filed on August 1, 2005, with respect to claims 40-53, as directed to the Lawler (USPN 5,758,259) reference, have been considered but are moot in view of the new ground(s) of rejection.

Applicants' arguments with respect to claims 40-53 as related to the Graves (USPN 5,410,344) reference have been fully considered but they are not persuasive.

Regarding independent claim 40, as well as independent claim 47, and claims 41-46 and 48-53, which depend from claims 40 and 47, respectively, the Applicants argue on page 7 of the Remarks section that, "Although Graves discloses an "Overall Feature Rating" associated with a single program (*Graves FIG. 5 and corresponding description*), it fails to disclose a single preference value characterizing user preference from the combination of the multiple description elements associated with a first preference object in a hierarchy."

In response the Examiner respectfully disagrees with the Applicants because the "Overall Feature Rating" as disclosed in Fig. 5 of the Graves patent is a single preference value characterizing user preference for the combination of the multiple description elements associated with a first preference object in a hierarchy, where the "Overall Feature" is a first preference object in a hierarchy of preference objects, and where the "Overall Feature" has a single preference value or "rating" that characterizes user preference for the combination of the multiple description elements or "feature selections" that are associated with the first preference object or "Overall Feature" in a hierarchy as shown in Fig. 5.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Korea on 9/22/99. It is noted, however, that applicant has not filed a certified copy of the 41192/1999 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 40-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Graves et al. (USPN 5,410,344), previously cited by the Examiner.

As to claim 40, note the Graves et al. patent which discloses a method for defining user preferences. The claimed defining a hierarchy of preference objects for describing user preferences related to multimedia content is met by the feature selections as shown in Figure 5, which describe user preferences or “ratings” related to multimedia content. The claimed associating a first preference object in the hierarchy with a plurality of description elements describing multimedia content is met by the “Overall Feature” selection, which is a “first preference object” in the “hierarchy with a plurality of description elements” as further met by the feature selections (also see col. 6, line 53 – col. 7, line 4). The claimed assigning a single preference value to the first preference object to characterize user preference for the combination

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of the plurality of description elements associated with the first preference object is met by the user setting a “rating” level or grade to the “Overall Feature” which is a combination of the plurality of description elements or features associated with the “Overall Feature” as described above. The claimed generating a user profile that specifies the hierarchy of preference objects, the plurality of description elements associated with the first preference object in the hierarchy, and the single preference value characterizing user preference for the combination of the plurality of description elements associated with the first preference object in the hierarchy is met by the user completing the viewer preference data through the feature selections and ratings as shown in Fig. 5 and as described above (see col. 6, line 53 – col. 8, line 4).

As to claim 41, the claimed associating a second preference object in the hierarchy with a first description element in the plurality of description elements associated with the first preference object is met by Fig. 5, where a second preference object or feature selection, such as “story appeal”, is associated with the first description element...with the first preference object or “Overall Feature”.

As to claim 42, the claimed assigning a second preference value to the second preference object to characterize user preference for the first description element alone is met by setting a “rating” or “grade” as shown in Fig. 5.

As to claim 43, the claimed generating the user profile includes designating the hierarchy of preference objects to be used in searching or filtering multimedia content is met by gathering viewer preference data as shown in Fig. 5 and as described above (see col. 6, line 53 – col. 8, line 4).

As to claim 44, the claimed associating the first preference object in the hierarchy with a plurality of description elements includes associating the first preference object with one or more description elements identifying a genre, a director or an actor of the multimedia content is met by the “Overall Feature” rating or grade being associated with one or more description elements identifying a genre (i.e. “music” in Fig. 5, also see col. 4, line 64 – col. 5, line 5), a director (see col. 5, lines 21-22 and col. 7, lines 21-26), or an actor (i.e. “Actor #1” or “Actor #5” as shown in Fig. 5, also see col. 5, lines 6-9 and col. 7, lines 21-26).

As to claim 45, the claimed assigning a single preference value to the first preference object includes assigning the single preference value based on a user’s access pattern to multimedia content is met by “grade” or “preference” levels may be set based on whether the user has accessed or viewed a feature or program (see Fig. 6).

As to claim 46, the claimed assigning a single preference value to the first preference object includes assigning the single preference value based on user input is met by the user selecting the “Overall Feature” rating or grade as described above in claim 1.

As to claims 47-53, the claims are rejected based on the rejection of claims 40-46, respectively, and the claimed software product...for describing user preferences... is met by col. 4, lines 6-64 and col. 7, line 60 – col. 8, line 37+).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

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Or faxed to: 571-273-8300

Hand-delivered responses should be brought to the Customer Service Window at the address listed above.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoye
October 12, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600